

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:) Group Art Unit: 1631
)
HOGAN *et al.*) Examiner: Marschel, A.
)
Serial No. 08/454,529) Atty. Docket No. GP004-16.DV4
)
Filed: May 30, 1995)
)
For: METHODS FOR DETERMINING) **VIA FEDERAL EXPRESS**
THE PRESENCE OF NON-VIRAL)
ORGANISMS IN A SAMPLE)

#38
Plunkett
7/8/02

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(c)**

Examiner Ardin H. Marschel
Art Unit 1631
United States Patent and Trademark Office
7th Floor Receptionist
1911 South Clark Place
Crystal Mall One
Arlington, Virginia 22202

RECEIVED
JUL 3 2002
TECH CENTER 1600/2900

Dear Examiner Marschel:

Applicants bring to your attention the reference listed on the attached form PTO/SB/08 (two copies) for consideration in connection with the examination of the above-identified application. A copy of the cited reference is attached hereto.

This Information Disclosure Statement is being submitted in accordance with the provisions set forth in 37 C.F.R. § 1.97(c) more than three months from the filing date of the subject application and after the mailing date of a first Office action on the merits but before the mailing date of a final action, notice of allowance or action that otherwise closes prosecution in the application. Although *ex parte* prosecution in the instant application has been suspended, due to a potential interference, Applicants submit that a suspended prosecution does not "close" prosecution in the application.

07/10/2002 TPLUNKET 00000001 070035 08454529

01 FC:126

100.00 CH

IDS

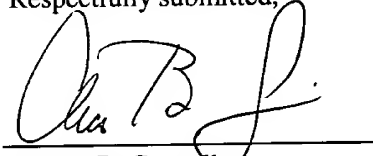
Serial No. 08/454,529
Atty. Docket No. GP004-16.DV4

Applicants respectfully request an indication that the cited reference was considered by returning a copy of the attached form PTO/SB/08 with your initials or other appropriate marks.

Please charge the fee set forth in 37 C.F.R. § 1.17(p), and any other fee which may be due, to Deposit Account No. 07-0835 in the name of Gen-Probe Incorporated.

At your direction, this correspondence, and any referred to as attached, is being sent by Federal Express on the date indicated below to Examiner Ardin H. Marschel, Art Unit 1631, United States Patent and Trademark Office, 7th Floor Receptionist, 1911 South Clark Place, Crystal Mall One, Arlington, Virginia 22202.

Respectfully submitted,



Dated: June 28, 2002

By:

Charles B. Cappellari
Registration No. 40,937
Attorney for Applicants

GEN-PROBE INCORPORATED
Patent Department
10210 Genetic Center Drive
San Diego, California 92121
PH: (858) 410-8927
FAX: (858) 410-8928

Please type a plus sign (+) inside this box →

Approved for use through 10/31/2002. OMB 0651-0031

U. S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

| | | | | | |
|---|---|----|--------------------------|--------------|--|
| Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i> | | | Complete if Known | | |
| | | | Application Number | 08/454,529 | |
| | | | Filing Date | May 30, 1995 | |
| | | | First Named Inventor | HOGAN et al. | |
| | | | Group Art Unit | 1631 | |
| | | | Examiner Name | Marschel, A. | |
| | | | Attorney Docket Number | GP004-16.DV4 | |
| Sheet | 1 | of | 1 | | |

[illegible]

| | | | |
|-----------------------|--|--------------------|--|
| Examiner Signature | | Date Considered | |
|-----------------------|--|--------------------|--|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.**